



February 8, 2022

To the Honorable Council
City of Norfolk, Virginia

Item Number: R-1

Re: Ordinance to Continue State of Local Emergency

Dear Ladies and Gentlemen:

Attached is an ordinance declaring the continuation of the state of local emergency due to the imminent public health threat COVID-19 pursuant to Virginia Code § 44-146.21.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "BAP in L & Co", is written over a horizontal line.

Bernard A. Pishko
City Attorney

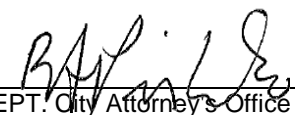
BAP:sb
Attachment

Form and Correctness Approved: *BAP*

Contents Approved:

By: _____
Office of the City Attorney

NORFOLK, VIRGINIA


By: _____
DEPT. City Attorney's Office

Ordinance No.

AN ORDINANCE DECLARING THE CONTINUATION OF
THE STATE OF LOCAL EMERGENCY DUE TO THE
IMMINENT PUBLIC HEALTH THREAT COVID-19
PURSUANT TO VIRGINIA CODE SECTION 44-146.21.

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WHEREAS, the City of Norfolk has authority under its Charter to do all things whatsoever necessary or expedient to promote or maintain the general welfare, comfort, education, morals, peace, government, health, trade, commerce or industries of the City or its inhabitants, as well as the authority to provide for the preservation of the general health of the inhabitants of Norfolk, make regulations to secure the same, prevent the introduction or spread of contagious or infectious diseases, prevent and suppress diseases generally, and define, prohibit, abate, suppress and prevent all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of Norfolk; and

WHEREAS, the State Health Commissioner of the Commonwealth of Virginia declared coronavirus disease 2019, also

known as COVID-19, to be a communicable disease of public health threat for Virginia on February 7, 2020; and

WHEREAS, the World Health Organization characterized the outbreak of COVID-19 as a pandemic on March 11, 2020; and

WHEREAS, the Governor of the Commonwealth of Virginia recognized the danger to the public of COVID-19 and declared a State of Emergency in the Commonwealth of Virginia on March 12, 2020; and

WHEREAS, the City of Norfolk found the imminent public health threat of COVID-19 to be of sufficient severity and magnitude to warrant coordinated local government action to prevent or alleviate any potential damage, loss, hardship or suffering caused thereby, and on March 13, 2020, the existence of a Local Emergency was declared in the City of Norfolk pursuant to Virginia Code Section 44-146.21; and

WHEREAS, on March 24, 2020, the Norfolk City Council adopted Ordinance No. 47,950, which ratified the March 13, 2020, Declaration of a State of Local Emergency and declared that the State of Local Emergency continued to exist until declared by the City Council that all emergency actions had been taken and the emergency was over, or six months from the date of effect of that ordinance, whichever should first occur; and on September 22, 2020, adopted Ordinance No. 48,162, which continued the State of Local Emergency for another six months or until declared by the City Council that all emergency actions had been

taken and the emergency was over, whichever should first occur; and on March 23, 2021, adopted Ordinance No. 48,335, which continued the State of Local Emergency for another six months or until declared by the City Council that all emergency actions had been taken and the emergency was over, whichever should first occur; and on September 14, 2021, adopted Ordinance 48,501, which continued the State of Local Emergency for another six months or until declared by the City Council that all emergency actions had been taken and the emergency was over, whichever should first occur; and

WHEREAS, the imminent public health threat of COVID-19 continues to be of sufficient severity and magnitude to constitute an emergency or disaster and warrant continued coordinated local government action to prevent or alleviate any potential damage, loss, hardship, suffering, or potential loss of life caused thereby, for more than six months from the date of the effect of Ordinance No. 48,501; and

WHEREAS, the Virginia Department of Health has advised that COVID-19 is contagious or infectious and poses a potential of community spread, that there exists a variant of COVID-19 called the Omicron variant that spreads more easily than the original COVID-19 virus and might be up to three times more transmissible than the Delta variant, that there has been a recent and significant increase in the Omicron variant

throughout the Commonwealth of Virginia, and that the number of COVID-19 cases in Norfolk has also recently increased; and

WHEREAS, Virginia Code Section 44-146.21 provides authority for a political subdivision such as the City of Norfolk to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of political subdivisions by law pertaining to: (1) performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community; (2) entering into contracts; (3) incurring obligations; (4) employment of permanent and temporary workers; (5) utilization of volunteer workers; (6) rental of equipment; (7) acquisition and distribution, with or without compensation of supplies, materials and facilities; (8) levying of taxes; and (9) appropriation and expenditure of public funds; now, therefore,

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the Norfolk City Council recognizes that COVID-19, a communicable disease of public threat, continues to pose a serious threat to the lives, health, and welfare of residents of the City of Norfolk, Virginia, and hereby confirms and declares that the State of Local Emergency due to COVID-19 continues to exist and shall continue until declared by the City Council that all emergency actions have been taken and the emergency is over, or six months from the date of effect of this ordinance, whichever shall first occur.

Section 2:- That the Office of Emergency Management and all other appropriate City agencies and employees are hereby authorized to continue to carry out all duties and functions prescribed by State and local law, rules, regulations and plans as may be

necessary to adequately and appropriately respond to said Local Emergency.

Section 3:- That the Norfolk City Council hereby exercises its authority to take any actions necessary and permitted by Virginia Code Section 44-146.21 and waives the procedures and formalities required by law of a political subdivision, as provided in Virginia Code Section 44-146.21.

Section 4:- That the Norfolk City Council hereby exercises its authority to take any actions necessary and permitted by the City's Charter and police powers to protect the public health and general welfare of its residents.

Section 5:- That this ordinance shall be in effect from and after the date of its adoption.